

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1726

In re: Gene E. Dudley, Sr.,

Debtor

Gene E. Dudley, Sr.,

Appellant,

v.

Mitchell Powers; Ruby M. Powers;
Richard Fink,

Appellees.

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Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

[UNPUBLISHED]

Submitted: October 17, 2002
Filed: October 28, 2002

Before LOKEN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Texas inmate Gene E. Dudley appeals the Bankruptcy Appellate Panel's (BAP's) order affirming the bankruptcy court's¹ grant of relief from automatic stay, and the court's² subsequent denial of Dudley's motion to reconsider.

Dudley argues the BAP lacked jurisdiction to hear his appeal because he never consented to its jurisdiction, but instead requested review by the district court. We conclude the BAP properly exercised jurisdiction, because Dudley failed to request district court review on a separate document at the time he filed the appeal. See 28 U.S.C. § 158(c); Fed. R. Bankr. P. 8001(e). Furthermore, we agree with the BAP, for the reasons noted in its order, this appeal is moot.

Accordingly, we affirm. See 8th Cir. R. 47B. We deny as moot Ruby Powers's motion for misjoinder.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Frank W. Koger, United States Bankruptcy Judge for the Western District of Missouri.

²The Honorable Arthur B. Federman, Chief Judge, United States Bankruptcy Court for the Western District of Missouri.